

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD ON  
MAY 11, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: MARVIN DEBUCK, CHAIRPERSON  
BRIAN FLORENCE, SECRETARY  
MEMBERS: EDWARD GALLAGHER  
TONY POPOVSKI  
DAWN SLOSSON

ABSENT: NONE.

ALSO PRESENT: JEROME R. SCHMEISER, PLANNING CONSULTANT  
COLLEEN O'CONNOR, TOWNSHIP ATTORNEY  
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman DEBUCK called the meeting to order at 7:06 P.M.

1. Roll Call.

Secretary FLORENCE called the Roll Call. All members present.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*  
*Note: All fees have been received and all property notices were notified by mail*

**MOTION by FLORENCE seconded by POPOVSKI to approve the agenda as presented.**

**MOTION carried.**

4. Approval of the previous meeting minutes:  
A. Special Meeting Minutes of April 13, 2004  
B. Special Meeting Minutes of April 21, 2004 (Revised pages handed out)

**MOTION by GALLAGHER seconded by SLOSSON to approve the Special Meeting Minutes of April 13, 2004 including the revisions as discussed and submitted.**

**MOTION carried.**



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**MOTION by FLORENCE seconded by GALLAGHER to approve the Special Meeting Minutes of April 21, 2004 as submitted.**

**MOTION carried.**

**PURPOSE OF HEARING:**

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
5. Walnut Creek Homeowners Association, Petitioner Permanent Parcel No. 08-20-452-033	10.07004 (I) (1 C)
6. Michael and Marie Jarret, Petitioner Permanent Parcel No. 08-15-426-005	10.0504 (E) (1)
7. John DiGiorgio, Petitioner Permanent Parcel No. 08-18-230-112	10.0704 (D) (3) (b) 10.0704 (D) (1) 10.0704 (D) (2) (b)
8. John DiGiorgio, Petitioner Permanent Parcel No. 08-18-230-114	10.0704 (D) (3) (b) 10.0704 (D) (1) 10.0704 (D) (2) (b)
9. John DiGiorgio, Petitioner Permanent Parcel No. 08-18-230-125	10.0704 (D) (3) (b) 10.0704 (D) (1) 10.0704 (D) (2) (b)
10. Country Club Village of The North Homeowners Association Permanent Parcel No. 08-05-126-016	10.0704 (D) (1) 10.0704 (I)
11. Country Club Village of The North Homeowners Association Permanent Parcel No. 08-05-151-001	10.0704 (D) (1) 10.0704 (I)
12. Terrance Calo, Petitioner Permanent Parcel No. 08-22-473-018	14.27 (E) (5) (Fence Variance)
13. Kevin Greene, Petitioner Permanent Parcel No. 08-35-476-017	10.0704 (D) (2) (b)



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14. Martha Sardelli, Petitioner 10.0504 (A)  
Permanent Parcel No. 08-17-426-002
  15. Sal DiMercurio and Frank Karam, Petitioner 10.0404 (D) (1)  
Permanent Parcel No. 08-05-200-003 10.0404 (D) (1)  
10.0404 (D) (1)  
10.0402 (B)
  16. Rolland Jump, Petitioner 10.0704 (D) (1)  
Permanent Parcel No. 08-21-377-020
  17. OLD Business:  
*Addition:*
    - 17A. Abeyance Request; Rauhorn Electric, Petitioner
    18. New Business
    19. Planning Consultants Comments
    20. Motion to receive and file all correspondence in connection with this agenda.
- ADJOURNMENT

**AGENDA ITEMS:**

5. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.07004 (I) (1C) – Request to vary the side of front yard setback along Walnut Creek Drive from 15’ to 9’- 4” and along 22 Mile Road from 15’- 0’ to 9’- 2 ½”.  
Walnut Creek Subdivision #1 (Entrance Sign)  
Located on the north side of 22 Mile Road approx. 2010 feet west of Romeo Plank Road; Walnut Creek Homeowners Assoc, Petitioners. Permanent Parcel No. 08-20-452-033.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

SUBJECT: VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;  
Permission to vary section: 10.0704(I)(1C) - Request to vary the side of front yard setback along Walnut Creek Drive from 15’ to 9’- 4” and along 22 Mile Road from 15’- 0’ to 9’- 2 ½”.

Located on the northeast corner of 22 Mile Road and Walnut Creek Drive, approx. 2010' west of Romeo Plank Road

Petitioner: Walnut Creek Homeowners Association  
Permanent Parcel No. 08-20-452-033



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The petitioner is requesting allowance to permit an existing entrance sign to the Walnut Creek Subdivision to remain as installed.

A variance was granted for the sign in 1996 with the understanding that it be installed with the issuance of a building permit, electrical permits and in accordance with approval given at that time. Township records indicate no permits were ever issued for the sign installation. The application indicates that the sign is approximately 9 feet from 22 Mile Road right-of-way and 9 feet from Walnut Creek Drive. The sign sets approximately 5 feet in height and contains approximately 20 square feet.

The spirit and intent of the zoning ordinance has been met in terms of a clear vision zone and the height and setbacks of the sign as installed. Agreed it does not meet the specific terms of the zoning ordinance but is well maintained and does provide the intention of the sign as an entrance to the plat.

Any action to approve the sign by the Board of Appeals is subject to a site plan review by the Planning Commission at a separate public hearing with a separate application submitted by the petitioner.

RECOMMENDATION:

It is recommended that the variance request be approved with the understanding that the petitioners will apply for and receive necessary building permits and electrical permits. It is also necessary that the petitioners seek and receive approval from the Macomb Township Water and Sewer Department as well as Detroit Edison, Consumers Power, and the telephone company with respect to any utility lines that may exist under the previously illegally installed sign.

Once it has been determined that the sign does not want to interfere with any utility lines, the Board of Appeals may then forward its action to the Planning Commission so that it may review the site plan for the sign.

Petitioner Present: Kevin Modzelewski of Integrated Graphics and Sign.

Public Portion: Jim Malczewski, 49088 Walnut Creek, addressed his concerns regarding sign application fees and the issue involving ownership change pertaining to the property involving the signage.

Mr. Schmeiser, Community Planning Consultant, stated "I've spoken to several of the homeowners in that association and have always told them that because of the complexities of this that they should have an attorney review their paper work."

The Members of the Board held further discussion.

Public Portion: Ron Current, 17444 Whispering Pines, Walnut Creek Homeowners



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Association President, reviewed that their attorney has filed with Mrs. Ouro's permission the documentation as to the responsibility for the maintenance and the upkeep of the signage (eastside signage) and indicated that the document has been registered with the Macomb County Register of Deeds Office. Mr. Current mentioned that all property owners' current and future must abide by the deed restrictions. Mr. Current reviewed that he has been in contact with Mrs. Newman and her husband involving the westside signage, concerning removal of the signage. Mr. Current stated we are in favor of their request but want to address the eastside signage first.

**MOTION by FLORENCE seconded by SLOSSON to close the Public Portion**

**MOTION carried.**

**MOTION by GALLAGHER seconded by FLORENCE to grant the request for the Variance Request from the Zoning Ordinance Section 10.07004 (I) (1C) – Request to vary the side of front yard setback along Walnut Creek Drive from 15' to 9'- 4" and along 22 Mile Road from 15'- 0' to 9'- 2 ½'. Walnut Creek Subdivision #1 (Entrance Sign); Located on the north side of 22 Mile Road approx. 2010 feet west of Romeo Plank Road; Walnut Creek Homeowners Assoc, Petitioners. Permanent Parcel No. 08-20-452-033, with the understanding that the Homeowners Association apply for and receive ground sign approval for the sign in question. This application is made to the Macomb Township Planning Commission. The petitioners will be required to receive approval by the Macomb Township Water and Sewer Department, Detroit Edison, Consumers Power, any utility companies that would be involved, any telephone companies involved and once approval has been granted the petitioner must obtain all required permits from the Macomb Township Building Department. This motion is based upon the Planning Consultants recommendations as follows:**

**It is recommended that the variance request be approved with the understanding that the petitioners will apply for and receive necessary building permits and electrical permits. It is also necessary that the petitioners seek and receive approval from the Macomb Township Water and Sewer Department as well as Detroit Edison, Consumers Power, and the telephone company with respect to any utility lines that may exist under the previously illegally installed sign.**

**Once it has been determined that the sign does not want to interfere with any utility lines, the Board of Appeals may then forward its action to the Planning Commission so that it may review the site plan for the sign.**

**MOTION carried.**

6. **VARIANCE REQUEST FROM ZONING ORDINANCE:**  
Section 10.0504 (E) (1) – Request to reduce front yard setback from 90' to 72'.  
Address: 51841 Card Road  
Located on the west side of Card Road approx. 310 feet north of 23 Mile Road;



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Michael & Marie Jarret, Petitioner. Permanent Parcel No. 08-15-426-005.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting allowance to be permitted to have a residence remain on a newly created parcel. The existing house is 72 feet from the centerline of Card Road. The required setback is 90 feet. The petitioner plans to split their property to provide for a subdivision development.

The Land Division Act, Section 17-163 g, indicates that “if there is compliance with this article and all other applicable township ordinances, codes, provisions, standards, rules and regulations, which regulate and control the division and/or development of land, the assessor shall approve the division, partition or split an forward to the County Land File Department for assignment of the new parcel identification number(s) and verification of the legal description(s)”.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same setback requirements which is evidence that the proper driveway setback would not be unnecessarily burdensome.
2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the proper setback requirements. As a result the other property owners do not have the opportunity to make use of 18 feet.  
There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the setback from being maintained 90 feet setback from the property line. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

Petitioner Present: Michael & Marie Jarret, 51841 Card Road.

Mr. Andrew Coden, representative on behalf of the developer stated, “We have roughly 16 acres behind the Jarret property that we are doing as a land development. Once the development is complete the Jarret parcel which is roughly 4 acres would be surrounded.



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There is an easement for power lines which crosses the property at an diagonal and it doesn't leave a whole lot of acreage that's usable. The result would be if this variance was not granted we wouldn't be in a position to purchase the property. So it struck me that this was best choice for the Township."

Chairman DEBUCK stated, "I understand you haven't purchased this property yet?" Mr. Coden replied "We have an agreement to purchase the property subject to it being functional for us. We also have an agreement to purchase the property behind the Jarret parcel and intend to pursue the development regardless but the Jarret parcel would only be viable if the home could remain."

The members of the Board held further discussion.

**MOTION by GALLAGHER seconded by SLOSSEN to close the Public Portion**

**MOTION carried.**

**MOTION by GALLAGHER seconded by POPOVSKI to deny the Variance Request from the Zoning Ordinance Section 10.0504 (E) (1) – Request to reduce front yard setback from 90' to 72'. Address: 51841 Card Road. Located on the west side of Card Road approx. 310 feet north of 23 Mile Road; Michael & Marie Jarret, Petitioner. Permanent Parcel No. 08-15-426-005. This motion is based upon the Planning Consultants recommendations as follows:**

- 1. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same setback requirements which is evidence that the proper driveway setback would not be unnecessarily burdensome.**
- 2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the proper setback requirements. As a result the other property owners do not have the opportunity to make use of 18 feet.**

**There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the setback from being maintained 90 feet setback from the property line. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.**



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**MOTION carried.**

7. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0704 (D) (3) (b) – Request to reduce rear yard setback from 35' to 15'.  
Section 10.0704 (D) (1) – Request to reduce front yard setback from 25' to 15'.  
Section 10.0704 (D) (2) (b) – Request to reduce side yard setback from 7.5' to 5'.  
Address: 52675 Westcreek Drive  
Located west of Garfield Road approx. ¼ mile south of 24 Mile Road; John DiGiorgio, Petitioner. Permanent Parcel No. 08-18-230-112.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting permission to reduce the required setbacks of the adopted zoning ordinance as they apply to the development of the above-described parcel in the Westcreek Estates Condo project. The Westcreek project was approved by the Planning Commission on October 1, 1991 and was based upon the standards of the then regulating zoning ordinance.

The standards requested for variance involve a reduction of the front yard from 25' to 15', the side yards from 7.5' to 5' and the depths of the rear yards from 35' to 15'.

The practical difficulty involves the fact that these parcels exist scattered throughout the Westcreek project and cannot otherwise be developed without a variance.

**RECOMMENDATION:**

It is recommended that the variance request be approved for the following reasons:

1. The practical difficulty has been shown in that the parcels were created prior to the adoption of the current zoning ordinance.
2. The parcels are of such a size that a residence could not be built on the property in accordance with the setback requirements of the Zoning Ordinance.

Mr. Schmeiser, Community Planning Consultant, stated "Through a comment made by Mrs. Palazzola at a meeting yesterday it was brought to my attention and she didn't mean to bring it to my attention but she was commenting about the project that we were then speaking about. It rang a bell in my head and reminded me that I had made an error. I have made in error in items 7,8 and 9 on this agenda. And I'm here to correct it. About three or four years ago there was a number of variance requests in the Westcreek project. And because the project was a bit older than the normal projects in the Township variances were granted because of the front yard setbacks and the rear yard setbacks. The ordinance at that time was in the process of revision to provide for more setbacks than what was approved at the time that Westcreek was developed. At that time all the



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lots were purchased except lots 112, 114, and 125 which we will be reviewing tonight in agenda nos. 7, 8 and 9. The recommendation revised is as follows: to reduce the rear yards from 35' to 25', the front yards from 25' to 22.5' feet for agenda items 7, 8 & 9."

Mr. Schmeiser, Community Planning Consultant, stated "The new ordinance says that now buildings have to set 30' back from a paving in a condo project. So actually there's more of a variance being granted than the petitioner realizes but he's only going to get 22.5' from me as a recommendation to this Board. Now lot 125 which is a real odd shaped lot, I would maintain the same setbacks. Because although it's an odd shaped lot it will just have to carry with it a different shaped house. We can not at this particular point, after recommending all those variances for all those lots in the subdivision from 25' to 22.5', we now can't reduce them to 15' for the reason that the homes will be sticking out an extra 7' in front of the other homes in the rear."

Chairman DEBUCK reviewed letters submitted opposed to agenda items 7, 8 & 9.

Public Portion: Several residents expressed their concerns pertaining to agenda items 7, 8 & 9.

Petitioner Present: John DiGiorgio

Mr. DiGiorgio further reviewed his request.

**MOTION by FLORENCE seconded by POPOVSKI to close the Public Portion**

**MOTION carried.**

**MOTION by FLORENCE seconded by GALLAGHER to approve the Variance to vary Section 10.0704 (D) (3) (b) – Request to reduce rear yard setback from 35' to 25', Section 10.0704 (D) (1) – Request to reduce front yard setback from 25' to 22.5' and Section 10.0704 (D) (2) (b) – Request to reduce side yard setback from 7.5' to 5'. It is further noted that a practical difficulty exists with this request. Address: 52675 Westcreek Drive. Located west of Garfield Road approx. ¼ mile south of 24 Mile Road; John DiGiorgio, Petitioner. Permanent Parcel No. 08-18-230-112. This motion is based upon the Planning Consultants recommendations as follows:**

- 1. The practical difficulty has been shown in that the parcels were created prior to the adoption of the current zoning ordinance.**
- 2. The parcels are of such a size that a residence could not be built on the property in accordance with the setback requirements of the Zoning Ordinance.**

**MOTION carried.**



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8. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0704 (D) (3) (b) – Request to reduce rear yard setback from 35' to 15'.  
Section 10.0704 (D) (1) – Request to reduce front yard setback from 25' to 15'.  
Section 10.0704 (D) (2) (b) – Request to reduce side yard setback from 7.5' to 5'.  
Address: 52647 Westcreek Drive  
Located west of Garfield Road approx. ¼ mile south of 24 Mile Road; John DiGiorgio, Petitioner. Permanent Parcel No. 08-18-230-114.

*This item was reviewed with agenda items 7.*

**MOTION by FLORENCE seconded by POPOVSKI to approve the Variance Request Section 10.0704 (D) (3) (b) – Request to reduce rear yard setback from 35' to 25', Section 10.0704 (D) (1) – Request to reduce front yard setback from 25' to 22.5' and Section 10.0704 (D) (2) (b) – Request to reduce side yard setback from 7.5' to 5'. It is further noted that a practical difficulty exists with this request. Address: 52647 Westcreek Drive. Located west of Garfield Road approx. ¼ mile south of 24 Mile Road; John DiGiorgio, Petitioner. Permanent Parcel No. 08-18-230-114. This motion is based upon the Planning Consultants recommendations as follows:**

1. The practical difficulty has been shown in that the parcels were created prior to the adoption of the current zoning ordinance.
2. The parcels are of such a size that a residence could not be built on the property in accordance with the setback requirements of the Zoning Ordinance.

**MOTION carried.**

9. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0704 (D) (3) (b) – Request to reduce rear yard setback from 35' to 10'.  
Section 10.0704 (D) (1) – Request to reduce front yard setback from 25' to 15'.  
Section 10.0704 (D) (2) (b) – Request to reduce side yard setback from 7.5' to 5'.  
Address: 52418 Westcreek Drive  
Located west of Garfield Road approx. ¼ mile south of 24 Mile Road; John DiGiorgio, Petitioner. Permanent Parcel No. 08-18-230-125.

*This item was reviewed with agenda items 7.*

**MOTION by FLORENCE seconded by GALLAGHER to approve the Variance Request Section 10.0704 (D) (3) (b) – Request to reduce rear yard setback from 35' to 25', Section 10.0704 (D) (1) – Request to reduce front yard setback from 25' to 22.5', and Section 10.0704 (D) (2) (b) – Request to reduce side yard setback from 7.5' to 5'. It is further noted that a practical difficulty exists with this request. Address: 52418 Westcreek Drive. Located west of Garfield Road approx. ¼ mile**



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**south of 24 Mile Road; John DiGiorgio. Petitioner. Permanent Parcel No. 08-18-230-125. This motion is based upon the Planning Consultants recommendations as follows:**

**It is recommended that the variance request be approved for the following reasons:**

- 1. The practical difficulty has been shown in that the parcels were created prior to the adoption of the current zoning ordinance.**
- 2. The parcels are of such a size that a residence could not be built on the property in accordance with the setback requirements of the Zoning Ordinance.**

**MOTION carried.**

*The Board recessed for a five minute break.*

10. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0704 (D) (1) – Request to reduce setbacks from 25’ to 10’ and 15’.  
Section 10.0704 (I) – Request to increase size of sign from 2 square feet to 60 square feet.  
Park A of Country Club Village of the North  
Located on the southeast corner of 26 Mile Road and St. Andrews Drive;  
Country Club Village Subdivision Association, Petitioners. Permanent Parcel No. 08-05-126-016.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting approval to reduce the setbacks of a proposed sign from 25 feet on 26 Mile Road, to 10 feet and from 25 feet on St. Andrews, to 15 feet. The petitioner is also requesting to increase the size of the sign from 2 square feet to 60 square feet.

The sign will be located on an open landscaped area on the southeast corner of 26 Mile Road and St. Andrews Drive.

The application has failed to provide an elevation of the sign so it cannot be determined its height or dimensions, other than the fact that it will be 60 square feet.

No indication has been made if the signs are situated on any utility easements or over any utility lines.

RECOMMENDATION:



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It is recommended that the variance request be approved with the understanding that prior to the matter being considered by the Planning Commission for site plan review, that the petitioner provide an indication from the Township Water and Sewer Department and utility companies, that the location of the sign will not impact any utilities in the proposed setback. It is also noted that the petitioner must provide a drawing indicating the specifics of the sign including its dimensions and height.

Petitioner Present: Kevin Karwowicz, Homeowner's Association President.

Mr. Karawowicz further discussed the request.

Mr. Schmeiser, Community Planning Consultant, reviewed that Mr. Karwowicz will review the drawings showing compliance with the size of the sign.

Mr. Schmeiser, Community Planning Consultant, stated "The reason that all these subdivision owners are coming into the Board of Appeals and the Planning Commission for variances and sign approvals, is because they are older subdivisions. Now an older subdivision does not provide for that 20' landscape area where the signs are to be located."

Chairman DEBUCK stated "Now the regulation requires that."

Mr. Schmeiser, Community Planning Consultant, replied "Yes, it does, any new subdivisions have that, and we encourage the builder, we don't require them, we encourage the builder to build those signs so that the homeowners don't have to come back and fight this issue. And because it's not an easy thing for them to do, it's easier for the engineer to do because it's all part of the project. The trouble is that these signs are on private property. Those 20' dedication areas are not private property they are owned by the subdivision. And treated differently than private piece of property. Along with these three signs you're looking at for Country Club Village of the North tonight. So they then have to meet the private property standards which are; signs are considered structures, they have to setback of 25', they have to be a certain height, they have to be a certain size and all that."

Member FLORENCE reviewed with the petitioner the location of the signs in question.

Public Portion: None.

**MOTION by FLORENCE seconded by GALLAGHER to close the Public Portion**

**MOTION carried.**

**MOTION by FLORENCE seconded by POPOVSKI to approve the request to vary Section 10.0704 (D) (1) – Request to reduce setbacks from 25' to 10' and 15',**



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respectfully 10' to 26 Mile Road, 15' to St. Andrews and also Section 10.0704 (I) – Request to increase size of sign from 2 square feet to 60 square feet. Park A of Country Club Village of the North. Located on the southeast corner of 26 Mile Road and St. Andrews Drive; Country Club Village Subdivision Association, Petitioners. Permanent Parcel No. 08-05-126-016. This motion is conditioned upon that the petitioner provides all the Water & Sewer Department and utility company agreements indicating that nothing is encroaching, that the petitioner apply for all necessary sign applications, that the petitioner receive review and approval by the Township Planning Commission Board as to the location on the site for the sign in question and once approval is granted that the petitioner pull all required permits. It is further noted that this motion is based upon the Planning Consultants recommendations as follows:

It is recommended that the variance request be approved with the understanding that prior to the matter being considered by the Planning Commission for site plan review, that the petitioner provide an indication from the Township Water and Sewer Department and utility companies, that the location of the sign will not impact any utilities in the proposed setback. It is also noted that the petitioner must provide a drawing indicating the specifics of the sign including the dimensions and height

**MOTION carried.** *It is further noted that the petitioner has provided the drawings indicating the specifics of the sign including the dimensions and height in question.*

11. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0704 (D) (1) – Request to reduce setbacks from 25' to 10' and 15'.  
Section 10.0704 (I) – Request to increase size of sign from 2 square feet to 50 square feet.  
Country Club Village of the North Lots 1 & 251  
Located on the east side of Romeo Plank Road at Country Club Drive; Country Club Subdivision Association, Petitioners. Permanent Parcel No. 08-05-153-001 & 08-05-151-001.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting a variance to allow two entrance signs to be erected on Lots 1 and 251 of the Country Club Village Subdivision, on the southeast and northeast corners, respectively. The sign on the southeast corner will set back 10 feet from the property line on Romeo Plank and 15 feet from the property line on Country Club Drive. The sign on the northeast corner will also set back 10 feet from Romeo Plank and 15 feet from Country Club Drive, however, a note indicates that the sign on the northeast corner may be moved closer to the manhole with Township approval.



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No indication is made to the height or dimensions of the signs.

A phone call to the landscape designer, James Leamon, requesting the sign information, has not been answered.

RECOMMENDATION:

It is recommended that the variance request be approved with the understanding that prior to the matter being considered by the Planning Commission for site plan review, that the petitioner provide an indication from the Township Water and Sewer Department and utility companies, that the location of the sign will not impact any utilities in the proposed setback. It is also noted that the petitioner must provide a drawing indicating the specifics of the sign including its dimensions and height.

Mr. Schmeiser, Community Planning Consultant, further noted that the petitioner has provided the drawing indicating the specifics of the sign including the dimensions and height.

Petitioner Present: Kevin Karwowicz, Country Club Village of the North Homeowners Association President.

Public Portion: None.

**MOTION by GALLAGHER seconded by POPOVSKI to close the Public Portion**

**MOTION carried.**

**MOTION by GALLAGHER seconded by FLORENCE to approve the variance request to vary section 10.0704 (D) (1) – Request to reduce setbacks from 25’ to 10’ and 15’ and Section 10.0704 (I) – Request to increase size of sign from 2 square feet to 50 square feet, Country Club Village of the North Lots 1 & 251. Located on the east side of Romeo Plank Road at Country Club Drive; Country Club Subdivision Association, Petitioners. Permanent Parcel No. 08-05-153-001 & 08-05-151-001. This motion is conditioned upon the petitioner providing all the Water & Sewer Department and utility company agreements indicating that nothing is encroaching, that the petitioner apply for all necessary sign applications, that the petitioner receive review and approval by the Township Planning Commission Board as to the location on the site for the sign in question and once approval is granted the petitioner must pull all required permits. It is further noted that this motion is based upon the Planning Consultants recommendations as follows:**

**It is recommended that the variance request be approved with the understanding that prior to the matter being considered by the Planning Commission for site plan review, that the petitioner provide an indication from the Township Water and**



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**Sewer Department and utility companies, that the location of the sign will not impact any utilities in the proposed setback. It is also noted that the petitioner must provide a drawing indicating the specifics of the sign including the dimensions and height.**

**MOTION carried.** *It is further noted that the petitioner has provided the drawing indicating the specifics of the sign including the dimensions and height.*

12. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 14.27 (E) (5) (Fence Variance) – Request to reduce rear yard fence setback from 25' to 24'.  
Address: 21448 Polar Drive  
Located on the northwest corner of 22 Mile Rd and Morning Glory Dr. Lot 66 extends between 22 Mile Road and Polar Drive; Terrence Calo, Petitioner. Permanent Parcel No. 08-22-473-018

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting permission to allow a fence to remain 23 feet within a 23-foot setback rather than 25 feet as required by the zoning ordinance.

According to the petitioner, the fence was installed improperly by a licensed builder who the petitioner felt was aware of the legal requirements for the installation of such a fence. The fence was installed to protect an inground pool on the property.

The petitioner is concerned with the added expense of moving the fence. The Consultant suggests that the petitioner seek to have the installer move the fence and assume the expense of said reconstruction.

RECOMMENDATION:

It is recommended that the variance request be denied.

Petitioner Present: Not Present

Public Portion: None.

**MOTION by POPOVSKI seconded by GALLAGHER to close the Public Portion.**

**MOTION carried.**

**MOTION by FLORENCE seconded by GALLAGHER to deny the Variance request to vary Section 14.27 (E) (5) – Request to reduce rear yard fence setback from 25' to 24'. Address: 21448 Polar Drive. Located on the northwest corner of 22**



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**Mile Rd and Morning Glory Dr. Lot 66 extends between 22 Mile Road and Polar Drive; Terrence Calo, Petitioner. Permanent Parcel No. 08-22-473-018. This motion is based upon the Planning Consultants recommendations as follows:**

**It is recommended that the variance request be denied.**

**MOTION carried.**

13. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0704 (D) (2) (b) – Request to reduce side yard setback from 7.6' to 4.2'.  
Address: 45473 North Branch  
Located on the west side of North Branch Drive north of Hall Road; Kevin Greene, Petitioner. Permanent Parcel No. 08-35-476-017.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting a variance to the required sideyard setback in order to construct an addition to an existing residence. The variance would allow a continuation of the sidewall flush with the existing house. It is noted that the 4.2 feet currently provided as a sideyard is .8 feet less than the required sideyard at the time the original structure was built.

The required sideyard setback is 7.5 feet. It is further noted that according to the site plan submitted by the petitioner the adjoining house is 19.5 feet from the existing residence. The zoning ordinance establishes a minimum of 15 feet.

Although the parcel in question is of sufficient size to meet the standards of the zoning ordinance, it will be an abnormality to require the 3.3 foot jog in the addition.

If, however, the adjoining neighbor also constructs an addition, he could construct to within 7.5 feet of the property line leaving only 11.7 feet between structures. The zoning ordinance has been designed to maintain a minimum of 15 feet between structures.

**RECOMMENDATION:**

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same setback requirements which is evidence that the proper setback would not be unnecessarily burdensome.



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2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the 7.5 feet building setback requirement. As a result the other property owners do not have the opportunity to make use of an additional 3.3 feet distance to the property line.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the driveway setback from being maintained 7.5 feet from the property line. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

Petitioner Present: Kevin Greene along with Maxwell Heighter of Polyark Design firm for the building as requested.

Public Portion: None.

**MOTION by FLORENCE seconded by GALLAGHER to close the Public Portion**

**MOTION carried.**

Member GALLAGHER stated "This addition as discussed could be built on the property without a variance; there is no hardship or practical difficulty.

**MOTION by GALLAGHER seconded by FLORENCE to deny the Variance request Section 10.0704 (D) (2) (b) – Request to reduce side yard setback form 7.6' to 4.2'. There is no hardship or practical difficulty in connection with this request. It is further noted that there is sufficient room on the property in question. Address: 45473 North Branch. Located on the west side of North Branch Drive north of Hall Road; Kevin Greene, Petitioner. Permanent Parcel No. 08-35-476-017. This motion is based upon the Planning Consultants recommendations as follows:**

3. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same setback requirements which is evidence that the proper setback would not be unnecessarily burdensome.
4. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the 7.5 feet building setback requirement. As



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**a result the other property owners do not have the opportunity to make use of an additional 3.3 feet distance to the property line.**

**There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the driveway setback from being maintained 7.5 feet from the property line. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.**

**MOTION carried.**

14. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0504 (A) - Request to reduce minimum lot width from 100' to 0'.  
Address: 51840 Romeo Plank Road  
Located on the east side of Romeo Plank Road approx. ¼ mile north of 23 Mile Road Road; Martha Sardelli, Petitioner. Permanent Parcel No. 08-17-426-002.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting allowance to create the easterly portion of a parcel which fronts on Romeo Plank and traversed by the middle branch of the Clinton River without road frontage.

The parcel with frontage on Romeo Plank will measure 100.12' x 603.32' which will exceed the 3 to 1 depth to width ratio and contain approximately 1.41 acres. The parcel to the east of the river will measure approximately 418.15' x 1050.69' and contains approximately 10.15 acres.

No reason is given for proposed sale of the 10.15 acres is noted, therefore, it would appear that the variance would be providing for a parcel with no public road frontage.

It is suggested at such time as the petitioner develops plans for the use of parcel B, that she re-petition for said split.

RECOMMENDATION:

It is recommended that the variance request be denied.

Petitioner Present: Martha Sardelli and interested purchaser (*name was not mentioned*)

Ms. Sardelli reviewed the request and discussed the intention to split the property. Ms. Sardelli addressed her concerns regarding the procedure with the proposal.



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The interested purchaser (*name again was not stated*) whom is in the process of closing on south 23 acre parcel which fronts on 23 Mile Road and abuts the parcel in question which we intend combining for development. The land cannot be purchase until the property is split.

Mr. Schmeiser, Community Planning Consultant, stated "For one thing the parcel that's remaining is going to exceed the 3 to 1 depth to width ratio."

The interested purchaser (*name again was not stated*) stated, "Have you ever given a variance on this before?"

Chairman DEBUCK replied yes, but this will also require a variance too. The interested purchaser (*name again was not stated*) stated, "Isn't that what the petitioner is applying for today?" Chairman DEBUCK stated, "No, this wasn't asked for." Mr. Schmeiser, Community Planning Consultant, stated, "This request is asking to reduce minimum lot width from 100' to 0'."

Ms. Sardelli reviewed the discussions she had with the Township as to direction with her application.

Mr. Schmeiser, Community Planning Consultant, stated, "The instruction to all Township employees is that no application form is to be filled out for any individual. Our job is to give them the application and let them fill it out. If we fill it out and make an error then of course it's our fault. We do not fill out applications nor do we recommend how to fill out applications. The Township is forbidden by the Township Supervisor and by the Township Board to fill out applications for persons. We did not fill out this application." Ms. Sardelli stated, "She did not fill the application out for me, but she told me what I needed to put down."

The interested purchaser (*name again was not stated*) stated, "The sketch of the parcel split is pretty simple if you look at it."

Chairman DEBUCK stated, "We appreciate what your doing here, but for us to do this we would be creating an illegal lot anyway. The lot fronting on Romeo Plank Road violates the 3 to 1 ratio."

The Members of the Board held further discussion.

Chairman DEBUCK suggested that the petitioner considers tabling the item for further review.

Colleen O'Connor, Township Attorney, stated "I'd like to make a suggestion to the petitioners; it appears that when you've gone to different people in the Township you've



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expected some type of legal advice. The Township is not going to give you legal advice on what you need to put on a variance request. So if you've consulted attorneys, you might want to consult an attorney on what you need to put in these variances or what ever other kind of paper work you're going to fill out. Because you're not going to get that information from the Township."

Public Portion: Mrs. Sardelli, petitioner's mother reviewed the conversation she had with Freda, a Township employee, pertaining the frontage issues and interested buyer.

**MOTION by GALLAGHER seconded by FLORENCE to table the item as requested by the petitioner to the next regular meeting (July 13, 2004) for further research. Section 10.0504 (A) - Request to reduce minimum lot width from 100' to 0'. Address: 51840 Romeo Plank Road. Located on the east side of Romeo Plank Road approx. ¼ mile north of 23 Mile Road Road; Martha Sardelli, Petitioner. Permanent Parcel No. 08-17-426-002.**

**MOTION carried.**

15. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0404 (D) (1) - Request to reduce front yard setback from 142' to 82'  
Section 10.0404 (D) (1) - Request to reduce from yard setback from 142' to 70.99'  
Section 10.0404 (D) (1) - Request to reduce front yard setback from 142' to 103.05'  
Section 10.0404 (D) (1) - Request to reduce front yard setback from 100' to 66.4'  
Section 10.0404 (D) (2) - Request to reduce side yard setback from 35' to 27'  
Section 10.0402 (B) - Request to have two principal dwellings on one lot  
Property Addresses: 18260, 18370 and 18780 26 Mile Road.  
Sal DiMercurio and Frank Karam, Petitioner. Permanent Parcel No. 08-05-200-003.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting allowance to be permitted to retain the location of several buildings including a residence on the property in question.

It is owner's intention to split the parcel for the rezoning of the resulting parcels. Three houses exist on the site, all of which are within the required setbacks in accordance with the zoning ordinance.

The petitioner further indicates that requiring the buildings to be torn down or be relocated would deprive the owner of rental income during the development process.



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The Land Division Act, Section 17-163 g, indicates that “if there is compliance with this article and all other applicable township ordinances, codes, provisions, standards, rules and regulations, which regulate and control the division and/or development of land, the assessor shall approve the division, partition or split and forward to the County Land File Department for assignment of the new parcel identification number(s) and verification of the legal description(s)”.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same setback requirements which is evidence that the proper driveway setback would not be unnecessarily burdensome.
2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the setback requirement. As a result the other property owners do not have the opportunity to make use of the proposed right-of-way along 26 Mile Road and the reduced setback along Luchtman.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the driveway setback from being maintained along 26 Mile and Luchtman. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

Petitioner Present: Bill Thompson of Lehner & Associates

Mr. Thompson stated, “Since this application was filed; the petitioner’s were investing and pursuing getting the middle residence torn down. Pertaining to the house that shows 70.99’ setback, that house is unoccupied and they have received the final permission from Detroit Edison to tear that building down. So that building will be torn down relatively quickly. So realistically the second variance Section 10.0404 (D) (1) - Request to reduce from yard setback from 142’ to 70.99’ is no longer applicable. Further I’m not sure if the last request is needed or not; Section 10.0402 (B) - Request to have two principal dwellings on one lot. What the petitioners want to do is split the parcel and rezone a portion of it to single family. At the current time the property is zoned agricultural. But they can’t do the split until they get the variance. If and when the split gets approved there will be one residence on each property. The petitioners do not have a



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problem adding the stipulation that the homes will come down prior to any development on the property.”

The Members of the Board held further discussion.

Public Portion: None.

**MOTION by FLORENCE seconded by SLOSSON to close the Public Portion**

**MOTION carried.**

**MOTION by FLORENCE seconded by SLOSSEN to grant the variance request to vary section 10.0404 (D) (1) - Request to reduce front yard setback from 142’ to 82’, for the home located on the northwest corner of the site, with the provision that both split and rezoning approvals are met and that the home must be removed before development takes place. Property Address: 18260 26 Mile Road. Located on the immediate northwest corner of the property; Sal DiMercurio and Frank Karam, Petitioner. Permanent Parcel No. 08-05-200-003.**

**MOTION carried.**

*As requested by Mr. Thompson the Variance Request for Section 10.0404 (D) (1) - Request to reduce front yard setback from 142’ to 70.99’ is no longer applicable Property Address: 18370 26 Mile Road. Permanent Parcel No. 08-05-200-003.*

**MOTION by FLORENCE seconded by GALLAGHER to grant the variance request to vary section 10-0404 (D) (1) – Request to reduce front yard setback from 142’ to 103.05’ and also vary section 10.0404 (D) (1) - Request to reduce front yard setback from 100’ to 66.4’, for that northeast corner of the site home, with the provision that the split and rezoning approvals are met and that the home must be removed before development takes place. Property Address: 18780 26 Mile Road. Located on the immediate southwest corner of 26 Mile and Luchtman Roads; Sal DiMercurio and Frank Karam, Petitioner. Permanent Parcel No. 08-05-200-003.**

**MOTION carried.**

**MOTION by FLORENCE seconded by SLOSSEN to grant the variance request to vary section 10.0404 (D) (2) - Request to reduce side yard setback from 35’ to 27’, as to the three west silos on the property, with the provision that the split and rezoning approvals are met and that the home and all out buildings must be removed before development takes place. Property Address: 18260 26 Mile Road. Located on the immediate northwest corner of the site; Sal DiMercurio and Frank Karam, Petitioner. Permanent Parcel No. 08-05-200-003.**



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**MOTION carried.**

**MOTION by FLORENCE seconded by POPOVSKI to grant the variance to vary section 10.0402 (B) - Request to have two principal dwellings on one lot, with the provision that the split and rezoning approvals are met and that the homes must be removed before development takes place. Property Addresses: 18260 26 Mile Road and 18780 26 Mile Road; Sal DiMercurio and Frank Karam, Petitioner. Permanent Parcel No. 08-05-200-003.**

**MOTION carried.**

16. VARIANCE REQUEST FROM ZONING ORDINANCE:  
Section 10.0704 (D) (1) -Request to reduce front yard setback from 90' to 74'  
Address: 19383 22 Mile Road  
Located on the north side of 22 Mile Road, approximately 115' east of Marseilles Drive; Rolland Jump, Petitioner. Permanent Parcel No. 08-21-377-020.

Chairman DEBUCK read the Planning Consultants findings and recommendations dated May 6, 2004 as follows:

The petitioner is requesting allowance to permit an existing residence to remain 74' from the centerline of 22 Mile Road. The zoning ordinance requires a setback of 90'.

The purpose of the request is to allow the current two lots to be split into three lots, two fronting on 22 Mile, and one fronting on Marseilles. In addition to the split, the petitioner plans to add the easterly 17' of parcel B to parcel A, since the existing house has insufficient side yard setback along the west side of the house.

All of the lots planned by the petitioner would exceed the requirements of the zoning ordinance, with respect to dimension and area.

RECOMMENDATION:

The Consultant cannot recommend the variance.

Petitioner Present: Rolland Jump and Clara Jump

Mr. Jump further reviewed the request with the Board.

Member GALLAGHER stated, "There's going to be three prime lots here. Three good lots in a subdivision for the Township. Lots that are not 70' by 120'. If nothing is done to this and when this gentleman and his wife expire the developers going to get and develop five lots. I'd much rather see three nice size lots than five Pulte size lots. It seems to me this is just the proper thing to do for the Township."



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Chairman DEBUCK reviewed that if a variance is granted it should just be for parcel A and just for his house that exists.

Public Portion: None.

**MOTION by FLORENCE seconded by SLOSSEN to close the Public Portion**

**MOTION carried.**

**MOTION by GALLAGHER seconded by FLORENCE to approve the Variance to vary Section 10.0704 (D) (1) -Request to reduce front yard setback from 90' to 74', for parcel A involving the exiting house. Address: 19383 22 Mile Road. Located on the north side of 22 Mile Road, approximately 115' east of Marseilles Drive; Rolland Jump, Petitioner. Permanent Parcel No. 08-21-377-020.**

**MOTION carried.**

17. Old Business

*Addition:*

17A. Rauhorn Electric Abeyance; Located at 17171 23 Mile Road.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Mr. Schmeiser, Community Planning Consultant, reviewed the requirement for industrial zoned property pertaining to wall/greenbelt requirements pertaining to the west and north property line for Rauhorn Electric. Mr. Schmeiser further reviewed previous actions taken by the Planning Commission/Township Boards. Mr. Schmeiser discussed the sewer that the County Drain Office will be constructing on the Rauhorn parcel. Mr. Schmeiser reviewed that, Mr. Rau is nervous about building the required wall for the site. Mr. Schmeiser questioned if there's some way we can hold this request in abeyance? With the understanding that if the house as described remains that the wall and greenbelt must remain as well. Is there some way that we can hold off enforcing the construction of the wall/greenbelt until it has been determined what will happen with the parcel discussed?"

The Board held further discussion.

Petitioner Present: Not present.

Colleen O'Connor, Township Attorney, reviewed the request with the Planning Consultant.

Mrs. O'Connor reviewed her concerns regarding procedures with this type of request



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involving an application, establishing a public hearing, and 300 foot notices.

Mrs. O'Connor discussed that she felt the matter should be further looked into as procedures and that the petitioner should come back a later date for this request and that all required procedures apply to this request.

Mr. Schmeiser stated, "We will advise Mr. Rau that the matter was considered."

No action taken. Informational

18. New Business None.

19. Planning Consultant Comments None.

20. Motion to receive and file all correspondence in connection with this agenda.

**MOTION by GALLAGHER seconded by FLORENCE to receive and file all correspondence in connection with this agenda.**

**MOTION carried.**

**ADJOURNMENT:**

**MOTION by GALLAGHER seconded by FLORENCE to adjourn this meeting at 10:00 P.M.**

**MOTION carried.**

Respectfully submitted,

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Marvin DeBuck, Chairman

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Brian Florence, Secretary

Gabrielle M. Baker, Recording Secretary